

WOLFF & SAMSON PC

COUNSELLORS AT LAW

DAVID SAMSON
ARTHUR S. GOLDSTEIN*
ARMEN SHAHINIAN*
THOMAS R. O'BRIEN*
GAGE ANDRETTA*
DANIEL A. SCHWARTZ*
KAREN L. GILMAN
KENNETH N. LAPTOOK*
FREDRIC P. LAVINTHAL
DAVID M. HYMAN*
DAVID L. SCHLOSSBERG
ROGER J. BREEENE
DAVID N. RAVIN*
BERNARD S. DAVIS
HOWARD J. SCHWARTZ*
PAUL M. COLWELL
ROBERT E. NIES
MORRIS BIENENFELD*
DENNIS M. TOFT
GEORGE A. SPADORO*
JEFFREY M. GUSSOFF*
JOHN F. CASEY
JAMES D. FERRUCCI
JOHN M. SIMON

JOHN A. MCKINNEY, JR.
STEPHEN L. FERSZT*
LAURENCE M. SMITH
WILLIAM E. GOYDAN*
DARRYL WEISSMAN*
PETER E. NUSSBAUM
LORI GRIFA*
MICHELLE A. SCHAAP
ADAM K. DERMAN
ADAM P. FRIEDMAN*
MITCHELL S. BERKEY*
CATHERINE P. WELLS
JONATHAN BONDY*
SEAN M. AYLWARD
DANIEL M. MURPHY*
ROBERT H. CRESPI*
JUNIE HAHN*
JOSEPH TRIPODI*
JILL D. ROSENBERG*
JOHN O. LUKANSKI*
ROXANNA E. HAMMETT
BARBARA B. MANAHAN
RONALD L. ISRAEL*

* MEMBER NJ AND NY BARS

* MEMBER NY BAR ONLY

^ REGISTERED PATENT ATTORNEY

THE OFFICES AT CRYSTAL LAKE
ONE BOLAND DRIVE
WEST ORANGE, NEW JERSEY 07052
973-325-1500
TELECOPIER: 973-325-1501

NEW YORK OFFICE:
140 BROADWAY
FORTY-SIXTH FLOOR
NEW YORK, NEW YORK 10005
212-973-0572
WWW.WOLFFSAMSON.COM

WRITER'S E-MAIL:
WGoydan@WolffSamson.com
WRITER'S DIRECT DIAL:
973-530-2022
WRITER'S TELECOPIER:
973-530-2222

AARON D. BASSAN
LAUREN M. O'SULLIVAN
JOSEPH ZAWILA
HOWARD K. UNIMAN
STEVEN S. KATZ*
JUNE S. MELLER*
ANDREW S. KENT*
ERIC J. LEVINE*
DORIT F. KRESEL*
JOSEPH MONAGHAN
STEPHEN G. CORDARO*
WARREN BARROWS*
LAURIE J. SANDS*
DONNA M. EREM
COUNSEL
CARL B. LEVY
RHONDA CARNIOL*
BARBARA S. HUTCHISON
ANDREW D. ELLIS
KLAUS P. STOFFEL*
STEPHEN M. ASPERO*
STEPHEN A. KISKER*
DAVID E. WOLF*
ARTHUR T. HILSON*
OF COUNSEL
JOSEPH A. DICKSON
BRUCE D. ETTMAN*
CARLOS G. MANALANSAN
MYRNA BLUME
DANIEL D. BARNES*
WILLIAM R. FINIZIO
DIANA L. BUONGIORNO
THOMAS J. TRAUTNER
LINDA D. SULLIVAN*
JENNIFER R. JACOBUS
JOSHUA M. LEE
KAREN L. SHAMIR

TODD W. TERHUNE
SHANNON L. KEIM
MARGARET O'ROURKE WOOD
MARK A. FORAND*
DENISE J. PIPERSBURGH*
RUSSEL D. FRANCISCO*
NICOLE F. DIMARIA
DANIEL T. MCKILLOP
FARAH N. HOMSI*
SCOTT E. LINSKY*
DAVID M. DUGAN*
ELISA M. PAGANO
KATHRYN E. SONG*
KIRAN V. SOMASHEKARA*
ELIZABETH J. MAZZA
RACHEL C. SANTARLAS*
XAVIER M. BAILLIARD
KEYANA C. LAWS*
NATALIA M. SONGONUGA*
SCOTT J. GOLDSTEIN*
MELISSA A. SALIMBENE*
JONATHAN L. CASSADY
NICOLE K. MARTIN
ERIC YUN
JENNIFER L. DE LYON
NANCY A. DEL PIZZO*
DARREN GRZYB
BETH J. ROTENBERG*
DEEPA A. KAREN*
BRIAN KANTAR*
ELIZABETH C. YOO*
PETER D. SIMON
JOSHUA M. LEVY*
PATRICIA D. CLEARY*
GRAHAM H. CLAYBROOK
KIMBERLY DILORENZO
CHRISTOPHER J. DONADIO
MAULIK M. SANGHAVI
MERISA B. VINICK

PLEASE REPLY TO WEST ORANGE

April 10, 2008

Via ECF and Regular Mail (2 copies)

The Honorable Richard J. Holwell
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St., Room 1950
New York, NY 10007

Re: E*Trade Financial Corp., et al. v. Hernandez, et al.
No. 08 CV 2993 (RJH)

Dear Judge Holwell:

This firm represents defendant Banc of America Investment Services, Inc. ("BAI"). In response to Plaintiffs' Motion for Preliminary Injunctive Relief in Aid of Arbitration dated March 25, 2008, BAI opposes the motion and submits that there is no basis to grant plaintiffs' motion based upon the submissions by the parties.

Please contact us should the Court have any questions.

Respectfully submitted,

/s/ William E. Goydan
WILLIAM E. GOYDAN

Encls.

WEG:RDF:dd

WOLFF & SAMSON PC

The Honorable Richard J. Holwell
April 10, 2008
Page 2

c: Douglas P. Lobel, Esq. (counsel for Plaintiffs) (via fax 703-456-8100)
Laura Grossfield Birger, Esq. (counsel for Plaintiffs) (via fax 212-479-6275)
Thomas J. Momjian, Esq. (counsel for co-defendants) (via e-mail)